

REMARKS

Reconsideration and further examination of this application is respectfully requested. Claim 1 was last presented for examination. Claim 1 has been cancelled without prejudice. Claims 2 through 4 are presented for further examination.

The Examiner rejected claim 1 under 35 USC § 103(a) as being unpatentable over Sewell in view of Wenzel and Smith. Claim 1 has been cancelled to render this rejection moot.

Claims 2, 3 and 4 have been presented that overcome the references of record.

Sewell discloses a self propelled walk behind mower that comprises a single unitary system in which the mowing deck, propulsion unit and drive wheels are all contained within a single unitary structure.

Wenzel discloses a dual hydrostatic drive walk-behind mower that uses hydrostatic drive wheels that are situated behind a forward mowing deck. The mowing deck of Wenzel forms a unitary part of the self propelled lawn mower of Wenzel and is attached to the power deck 11 of Wenzel in a permanent fashion to form a unitary device.

Smith discloses a riding power mower that has a cutter unit suspended beneath the riding mower. The primary support shaft 12, that joins the rear propulsion unit 10 with the front steering unit 11, is pivotally mounted in a bearing 14 (Figure 2), that allows the front steering unit 11 to pivot along an axis X (Figure 4). The mower deck is anticipatorily elevated when the mower encounters undulations. Smith uses a lever handle 62 that allows the user of the riding mower of Smith to raise and lower the cutting deck, also. This is specifically referred to by the Examiner in column 1 lines 30 through 33. Hence, the suspended mowing deck of Smith can manually be raised and lowered using the handle 62 and automatically rotates around axis X with the front steering mechanism 11 to follow sideways changes and terrain such as illustrated in Figure 5 of Smith.

Claim 2 clearly distinguishes from the art of record. Claim 2 recites a separate tractor unit having “hydrostatic drives”, “drive wheels”, a “third wheel” and “handles” attached to the tractor unit. In addition, the tractor unit includes “deck attachment arms that extend in a forward direction from said forward end of said tractor unit and that pivot at said forward end of said tractor unit in a direction that is transversed to said plane”

defined by said drive wheels and said third wheel and said lengthwise direction.” None of the art of record shows a separate tractor unit and a separate mowing deck, and deck attachment arms that allow the mowing deck to pivot with respect to the plane defined by the drive wheels and the third wheel and the lengthwise direction. In other words, the mowing deck can articulate and pivot up and down with respect to the horizontal plane defined by the tractor unit so that the tractor unit maintains a substantially constant position with regard to the user despite the up and down motions of the mowing deck.

This is further defined in the recitation of claim 2 as follows “a mowing deck...having receivers disposed at said rearward end that detachably engage said deck attachment arms so that said mowing deck pivots with respect to said tractor unit in a direction that is transverse to both said plane defined by drive wheels and said third wheel and said lengthwise direction, which allows said mowing deck to follow elevational changes as said self propelled walk behind mower traverses terrain having slopes that change with respect to both said plane and said lengthwise direction such that said handles maintain a substantially constant elevational position with respect to said user and said plane so that said user can operate said self propelled walk behind mower without substantial elevational movement of said handles, in said plane, while said self propelled walk behind mower traverses said slopes that change with respect to both said plane and said lengthwise direction.” In other words, the pivoting action which allows the mowing deck to move up and down with respect to the plane defined by the tractor unit, allows a tractor unit to stay relatively stable and in a substantially constant elevational position with respect to the user so that the handles are not moving up and down with respect to the user walking along the ground as the user traverses elevational changes. Since the handles are maintaining a substantially constant position with respect to the user, the user is able to more easily operate the controls on the mower.

None of these features have been disclosed, or suggested in any fashion, by any of the art of record.

For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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